

The following list contains the entire submission submitted March 20, 2023 12:30:12pm ET, and is formatted for ease of viewing and printing.

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Request

Request ID	637771
Confirmation ID	637231

Request description

Please provide us, within twenty working days, copies of all electronic mail sent to or from (including also as cc: or bcc:) Jennifer Orme-Zavaleta, Maria Doa, Andrew Simons, and/or Louis D'Amico, which is dated at any time from November 1, 2020 through February 28, 2021, inclusive, that also mentions, anywhere, whether in a To, From, cc:, bcc: or Subject field, email body or attachment, one or more of the following: i) "censored science", ii) "Evidence Act", iii) "Joel Schwartz", and/or iv) joel@hsph.harvard.edu We request entire "threads" of which any responsive electronic correspondence is a part, regardless of whether any portion falls outside of the above time parameter. These terms are not case-sensitive. The "" are not part of the search term but delineate the search term. Under the FOIA Improvement Act of 2016, agencies are prohibited from denying requests for information under the FOIA unless the USEPA reasonably believes release of the information will harm an interest that is protected by the exemption. FOIA Improvement Act of 2016 (Public Law No. 114-185), codified at 5 U.S.C. § 552(a)(8)(A). Should you decide to invoke a FOIA exemption, please include sufficient information for us to assess the basis for the exemption, including any interest(s) that would be harmed by release. Please include a detailed ledger which includes: 1. Basic factual material about each withheld record, including the originator, recipients, date, length, general subject matter, and location of each item; and 2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material. Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation. If you should seek to withhold or redact any responsive records or parts thereof, we request that you: (1) identify each such record with specificity (including date, author, recipient, and parties copied); (2) explain in full the basis for withholding responsive material; and (3) provide all segregable portions of the records for which you claim a specific exemption. 5 U.S.C. § 552(b). Please correlate any redactions with specific exemptions under FOIA. As noted, EPA is willing to receive records on a rolling basis, but only within the requirements of FOIA. These search parameters are sufficiently narrow and precise in their clear delineation for described records over specific dates sent to or from specified USEPA employees. In the interests of avoiding delay with back-and-forth, EPA is willing to provisionally pay fees up to \$200 in the

Supporting documentation

Additional Information	3.20.23 USEPA Harvard Schwartz FOIA Request.pdf
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Fees

Request category ID	media
Fee waiver	no

Our request for fee waiver is in the alternative, first for reasons of significant public interest, and second, on the basis of the Energy Policy Advocates' status as a media outlet. USEPA must address both of these requests for fee waiver in the event it denies one; failure to do so is prima facie arbitrary and capricious.

I. EPA Qualifies for a Fee Waiver. First, as explained herein, the federal government acknowledges EPA's status as a media requester. Further, in the alternative thus, USEPA must consider four factors to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns "government operations or activities," (2) whether the disclosure "is likely to contribute" to an understanding of government operations or activities, (3) whether the disclosure "is likely to contribute to public understanding" of a reasonably broad audience of persons interested in the subject, and (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. As shown below, EPA and this request meet each of these factors.

A. The Subject of This Request Concerns "the Operations and Activities of the Government." The subject matter of this request concerns the operations and activities of senior officials specifically their discussions of a rule and reversal thereof, and a federal statute. This request asks for discussion of same during a critical time in transition of agency priorities due to political events, among senior USEPA personnel; public records show these issues were the subject of outside efforts to influence key agency personnel, and that the named officials have discussed this among themselves. Both aspects are the subject of public and media interest.

B. Disclosure is "Likely to Contribute" to an Understanding of Government Operations or Activities. As described, above, the requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and activities by the public. The requested records pertain to the sweeping environmental regulatory agenda of the Biden Administration, which is of major media, public and policy interest. Any records responsive to this request therefore are likely to have an informative value and are "likely to contribute to an understanding of Federal government operations or activities". We note President Biden's environmental agenda has been the subject of substantial media interest and promotional efforts. Disclosure of the requested records will allow EPA to convey to the public information about the coordination between agencies, specifically, an agency of jurisdiction helping another to advance an

Willing to pay	\$200
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Expedited processing

Expedited Processing	no
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